

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

UNITED STATES ex rel. ROBERT KRAUS and  
PAUL BISHOP,

Plaintiffs,

- against -

WELLS FARGO & COMPANY, WELLS  
FARGO BANK, N.A., and its and their  
subsidiaries and affiliates,

Defendants.

Civil Action No. 11-cv-05457-EK

**JOINT STATUS REPORT**

Relators Robert Kraus and Paul Bishop (“Relators”) and Defendants Wells Fargo & Co. and Wells Fargo Bank, N.A. (“Wells Fargo”) respectfully submit this Joint Status Report as directed by Judge Brian M. Cogan’s January 16, 2020 order (“Order”). Counsel for Relators and Wells Fargo have conferred concerning the Order.

**I. PROCEDURAL BACKGROUND**

This action has been remanded for proceedings consistent with the Memorandum Opinion and Judgment issued and entered on November 21, 2019, by the United States Court of Appeals for the Second Circuit, in *United States ex rel. Kraus, et al. v. Wells Fargo & Co., et al.*, No. 18-1746 (2d Cir.). The Second Circuit issued its mandate on January 16, 2020. Dkt. No. 143. On the same date, Judge Cogan entered a Docket Order, without a docket no., requiring this Joint Status Report. Separately, Wells Fargo received an extension through March 20, 2020, from the Supreme Court of the United States for the time within which to file a petition for certiorari. *See* No. 19A840.

## **II. STATUS OF PROCEEDINGS**

Counsel for the parties have conferred regarding the status of proceedings in this action upon remand from the Second Circuit. The parties agree that the most efficient course of action at this time is to hold private mediation. In the event that mediation is unsuccessful, Wells Fargo would file a renewed motion to dismiss the complaint for failure to state a claim for relief or under Rule 9 of the Federal Rules of Civil Procedure. Accordingly, the parties propose the following schedule:

1. The parties shall attempt to resolve this litigation by mediation or other negotiation by March 20, 2020.
2. If such negotiations fail to resolve this litigation, Wells Fargo shall move to dismiss the complaint on or before April 6, 2020. Relators shall file any opposition to such motion on or before April 27, 2020. Wells Fargo shall file any reply in further support of its motion to dismiss on or before May 8, 2020.
3. The parties shall promptly notify the Court if mediation or other negotiations to resolve this litigation are successful.

## **III. CONCLUSION**

The parties are available at Your Honor's convenience to discuss this matter further.

Dated: January 30, 2020

Respectfully submitted,

**GRANT & EISENHOFER P.A.**

By: /s/ Jay W. Eisenhofer  
Jay W. Eisenhofer  
jeisenhofer@gelaw.com  
485 Lexington Avenue  
New York, New York 10017  
Telephone: (646) 722-8500

**GRANT & EISENHOFER P.A.**

Kyle J. McGee  
kmcgee@gelaw.com  
Viola Vetter  
vvetter@gelaw.com  
123 Justison Street  
Wilmington, Delaware 19801  
Telephone: (302) 622-7000

**GOLDSTEIN & RUSSELL, P.C.**

Tejinder Singh  
tsingh@goldsteinrussell.com  
7475 Wisconsin Avenue, Suite 850  
Bethesda, Maryland 20814  
Telephone: (202) 362-0636

**THE LAW OFFICES OF  
SHARAD A. SAMY LLC**

Sharad A. Samy  
sharad@sharadsamy.com  
32 Old Oak Road  
Darien, Connecticut 06820  
Telephone: (917) 673-0804

*Attorneys for Relators*

**TROUTMAN SANDERS LLP**

By: /s/ Amy Pritchard Williams  
Amy Pritchard Williams  
amy.williams@troutman.com  
Mackenzie Willow-Johnson  
mackenzie.willow-johnson@troutman.com  
301 S. College Street, Suite 3400  
Charlotte, NC 28202  
Telephone: (704) 998-4102

Stephen G. Rinehart  
stephen.rinehart@troutman.com  
875 Third Avenue  
New York, NY 10022  
Telephone: (212) 704-6305

*Attorneys for Defendants Wells Fargo &  
Company and Wells Fargo Bank, N.A.*